

Arizona Supreme Court Staff Attorneys' Office
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IN THE SUPREME COURT OF ARIZONA

In the Matter of)	
)	Arizona Supreme Court No. _____
)	
PETITION TO AMEND RULE 28,)	
RULES OF THE SUPREME COURT)	
)	PETITION TO AMEND RULE 28,
)	RULES OF THE SUPREME COURT
)	
_____)	

PETITION TO AMEND THE RULES OF THE SUPREME COURT

Pursuant to Rule 28, Rules of the Supreme Court, the Arizona Supreme Court Staff Attorneys' Office petitions the Court to adopt amendments to Rules 28(A), (D), and (F), Rules of the Supreme Court, as proposed in the attachment.

Currently, Rules 28(A) and (D) require that petitioners who submit a petition for rule change or a comment to a petition for rule change on paper provide the Clerk of the Court with the original petition or comment and six copies thereof. The reason for the requirement was that paper copies of the petition or comment were previously distributed to each of the Justices. Since the implementation of e-filing, however, the Clerk of the Court now scans paper-filed documents and distributes those documents to the Court electronically. Thus, six copies are no longer necessary, and the rule should be amended to reflect only the need for submitting the original and one copy of a paper-filed petition or comment.

Additionally, Rule 28(F) currently provides that “[n]otices shall be mailed or sent electronically, in accordance with this rule and Rule 124, Rules of the Supreme Court.” There are two problems with this provision. First, notices regarding rule matters are no longer mailed, but are always sent electronically. Second, Rule 124, which deals with electronic filing, delivery, and service of documents, was abrogated, effective January 1, 2012, as the language had become obsolete. Electronic filing, delivery, and service of documents are currently governed by Supreme Court administrative order(s). Thus, the rule should be amended to reflect that “[n]otices shall be ~~mailed or~~ sent electronically, in accordance with this rule ~~and Rule 124, Rules of the Supreme Court~~ or as otherwise provided by law.”

Petitioner respectfully requests that the Court adopt the proposed amendments as reflected in the attachment.

DATED this 9th day of January, 2013.

Ellen M. Crowley
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ATTACHMENT¹

ARIZONA RULES OF THE SUPREME COURT

Rule 28. Procedure for Adoption, Amendment or Repeal of Rules

Preamble

[No change in text.]

(A) Petition for Adoption, Amendment, or Repeal of Rule; Deadline for Filing.

(1) *Deadline for and Method of Filing.* [No change in text.]

(a) *Paper Filing.* A written paper petition shall be filed with the Clerk of the Supreme Court and shall consist of an original and ~~six (6) copies~~ one (1) copy, in addition to one copy of the petition and supporting documentation in Microsoft Word format on a CD, disk, or other compatible electronic medium.

(b) *Electronic Filing.* [No change in text.]

(2)-(4) [No change in text.]

(B)-(C) [No change in text.]

(D) Comment on Proposed Rule Changes.

(1) *Deadline for and Method of Filing; Form.* [No change in text.]

(a) *Paper Filing.* A paper comment shall be filed with the clerk and shall consist of an original and ~~six copies~~ one (1) copy, in addition to one copy of the written comments and any supporting documentation in Microsoft Word format on a CD, disk, or other compatible electronic medium.

(b) *Electronic Filing.* [No change in text.]

(2) [No change in text.]

(E) [No change in text.]

(F) Consideration of Rule Change by the Court; Effective Date of Rules; Notice.

(1)-(2) [No change in text.]

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

(3) The clerk shall notify the petitioner, those persons and organizations listed in Rule 28(C), and those persons and organizations who submitted comment on the petition for rule change of the action taken by the court. Notices shall be ~~mailed or~~ sent electronically, in accordance with this rule ~~and Rule 124, Rules of the Supreme Court~~ or as otherwise provided by law.

(G) [No change in text.]